

# **PERSONNEL POLICIES HANDBOOK**

---

**FRANKLIN COUNTY, INDIANA  
STANDARD/HIGHWAY**

**UPDATED WITH AMENDMENTS**

**March 24, 2017**

---

---

**WAGGONER • IRWIN • SCHEELE  
& ASSOCIATES INC**

**Management Consulting Services Since 1979**

**118 South Franklin Street Muncie, Indiana 47305 765.286.5195**

---

# **TABLE OF CONTENTS**

## **CHAPTER 1 - PERSONNEL POLICIES HANDBOOK**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	<b><u>PAGE</u></b>
1.1	USE AND REVISION OF PERSONNEL POLICIES HANDBOOK .....	1
1.2	EXCEPTIONS AND SPECIAL CONDITIONS .....	1
1.3	"FRANKLIN COUNTY" DEFINED .....	2
1.4	PERSONNEL ADMINISTRATION COMMITTEE .....	2
1.5	EQUAL EMPLOYMENT OPPORTUNITY .....	2
1.6	MANAGEMENT RIGHTS .....	2
1.7	PRODUCTIVE WORK ENVIRONMENT.....	3
1.8	AUTHORIZED ALIEN STATUS AND CITIZENSHIP .....	4
1.9	E-VERIFY .....	4
1.10	ELIGIBILITY FOR LOCAL PUBLIC BENEFITS .....	4

## **CHAPTER 2 - EMPLOYMENT POLICIES**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	
2.1	RECRUITMENT .....	5
2.2	EMPLOYMENT APPLICATIONS .....	5
2.3	APPLICANT TESTING .....	6
2.4	PRE-EMPLOYMENT INTERVIEWS.....	6
2.5	CONDITIONAL OFFER OF EMPLOYMENT .....	6
2.6	MEDICAL EXAMINATIONS.....	7
2.7	EMPLOYMENT CATEGORIES .....	7
2.8	INTRODUCTORY PERIOD.....	8
2.9	EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS.....	9
2.10	PERSONNEL FILES.....	9
2.11	ACCESS TO PERSONNEL FILES .....	10
2.12	PERSONAL INFORMATION CHANGES .....	11
2.13	ORIENTATION/EXIT INTERVIEWS.....	11
2.14	OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST .....	11
2.15	REQUESTS FOR INFORMATION .....	12
2.16	LAYOFF AND RECALL.....	12
2.17	NEPOTISM.....	13
2.18	ELECTIVE OFFICER & COUNTY EMPLOYMENT RESTRICTED .....	13
2.19	CONTRACTING WITH THE COUNTY .....	14
2.20	HIRING/CONTRACTING ROMANTIC PARTNERS .....	14

### **CHAPTER 3 - SALARY ADMINISTRATION**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	
3.1	NORMAL WORK WEEK .....	16
3.2	WORK HOURS .....	16
3.3	JOB DESCRIPTIONS .....	16
3.4	COMPENSATION .....	16
3.5	LONGEVITY PAY .....	17
3.6	CALL BACK PAY .....	17
3.7	JOB CLASSIFICATION .....	17
3.8	JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE .....	18
3.9	WAGE POLICY .....	18
3.10	TIMEKEEPING .....	19
3.11	WORK TIME RESTRICTED .....	20
3.12	ROUNDING .....	20
3.13	MULTIPLE POSITIONS .....	20
3.14	TIMESHEETS .....	20
3.15	PAYDAYS .....	21
3.16	PAY CORRECTIONS .....	21
3.17	PAY DEDUCTIONS/GARNISHMENTS .....	21
3.18	OVERTIME COMPENSATION AND COMPENSATORY TIME .....	21
3.19	EMERGENCY CLOSING .....	23
3.20	EMPLOYMENT TERMINATION .....	24
3.21	RETURN OF PROPERTY .....	24

### **CHAPTER 4 - EMPLOYEE BENEFITS**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	
4.1	VACATION .....	25
4.2	HOLIDAYS .....	27
4.3	SICK LEAVE .....	27
4.4	SICK LEAVE REIMBURSEMENT .....	29
4.5	PERSONAL LEAVE .....	30
4.6	FAMILY AND MEDICAL LEAVE ACT (FMLA) .....	30
4.7	AMERICANS WITH DISABILITIES ACT (ADA) .....	47
4.8	MILITARY LEAVE .....	48
4.9	BEREAVEMENT LEAVE .....	50
4.10	JURY DUTY/COURT APPEARANCES .....	50
4.11	EDUCATION LEAVE .....	51
4.12	WORKERS' COMPENSATION .....	51
4.13	HEALTH INSURANCE .....	53
4.14	GROUP TERM LIFE INSURANCE .....	53

4.15	INDIANA PUBLIC RETIREMENT SYSTEM (INPRS) .....	54
4.16	SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE .....	54
4.17	HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA) .....	54
4.18	LEAVE OF ABSENCE WITHOUT PAY .....	54
4.19	BENEFITS CONTINUATION (COBRA) .....	55

## **CHAPTER 5 - WORKING CONDITIONS**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	
5.1	SAFETY .....	56
5.2	BLOODBORNE PATHOGENS .....	56
5.3	LACTATION SUPPORT .....	57
5.4	USE OF TELEPHONES AND COUNTY MAIL .....	57
5.5	USE OF CELLULAR/MOBILE PHONES AND PAGERS .....	57
5.6	USE OF INFORMATION TECHNOLOGIES .....	59
5.7	SOCIAL MEDIA POLICY .....	65
5.8	DRUG-FREE WORKPLACE .....	68
5.9	SMOKING .....	72
5.10	USE OF EQUIPMENT AND VEHICLES .....	72
5.11	TAKE HOME VEHICLES .....	73
5.12	PERSONAL USE OF COUNTY PROPERTY AND FACILITIES .....	73
5.13	APPEARANCE OF WORK AREAS .....	73
5.14	BUSINESS TRAVEL .....	73
5.15	POLITICAL ACTIVITY .....	75
5.16	INDIANA INTERNAL CONTROL STANDARDS POLICY .....	75

## **CHAPTER 6 - PERSONAL CONDUCT**

<b><u>SECTION</u></b>	<b><u>TITLE</u></b>	
6.1	EMPLOYEE CONDUCT AND WORK RULES .....	77
6.2	ATTENDANCE AND PUNCTUALITY .....	77
6.3	PERSONAL APPEARANCE .....	78
6.4	SEXUAL HARASSMENT/HOSTILE ENVIRONMENT .....	78
6.5	COMMISSION OF A FELONY OR UNLAWFUL ACT .....	82
6.6	GIFTS OR GRATUITIES .....	83
6.7	GHOST EMPLOYMENT .....	84
6.8	BUSINESS ETHICS/CONFLICT OF INTEREST .....	84
6.9	SOLICITATION/DISTRIBUTION .....	85
6.10	SECURITY OF PREMISES .....	85
6.11	WORKPLACE VIOLENCE .....	85
6.12	CONFIDENTIALITY .....	87

6.13	EMPLOYEE CONDUCT .....	87
------	------------------------	----

## **CHAPTER 7 - PROBLEM RESOLUTION**

Steps 1 and 2 .....	91
SEVERABILITY .....	92
INDEMNIFICATION .....	92
ENABLING ORDINANCE.....	92
AMENDMENTS .....	92
EMPLOYEE ACKNOWLEDGMENT	

# **1. PERSONNEL POLICIES HANDBOOK**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

## **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

This Franklin County Personnel Policies Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. It is your responsibility to read, understand, and comply with all provisions of the handbook. The Franklin County Personnel Policies Handbook describes many of your responsibilities as an employee and outlines the programs developed by Franklin County to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this policy is intended to, in any sense, constitute a contract of employment. In accordance with Indiana statutes, Franklin County is an "At-Will" employer. This means the employee may resign at any time and the County may discharge an employee at any time with or without cause. This personnel policy is not a contract of employment and in no way grants property interests or contractual rights to County employees. This policy does not create an entitlement or an expectation of continued employment.

No employee handbook can anticipate every circumstance or question about policies. As the County continues to grow, the need may arise to change policies described in the handbook. Franklin County therefore reserves the right to revise, supplement, or rescind any policies or portion of the policies from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

While Franklin County believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

Franklin County's employment practices and policies will apply equally to all employees, unless exempted by law, contract, or the terms of a policy. Where federal and state laws or regulations supersede Franklin County policies, employees will be instructed to observe the requirements of these state and federal laws.

### **1.3 "FRANKLIN COUNTY" DEFINED**

In this personnel policy, the "County" shall be defined to mean the Franklin County Board of County Commissioners, the Franklin County Council, the elected officials of Franklin County, and/or agency and department heads acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

### **1.4 PERSONNEL ADMINISTRATION COMMITTEE**

The Franklin County Personnel Administration Committee is established and shall meet as deemed necessary to review the application of Standard Policy, and perform certain advisory functions such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Franklin County Personnel Policies Handbook and providing advisory recommendations as warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary; and
3. Reviewing all standard operating procedures adopted by any department.

The County Commissioners and Auditor shall serve as the Franklin County Personnel Administration Committee. The Committee shall meet quarterly and as needed. The County Attorney shall serve as the attorney to the Committee.

### **1.5 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the County of Franklin to provide equal opportunity in employment to all employees and applicants for employment and to prohibit discrimination in employment because of race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law.

This policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, probation, training, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, and retirement.

### **1.6 MANAGEMENT RIGHTS**

Franklin County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees;
2. The right to establish policy;

3. The right to maintain the efficiency of public operations;
4. The right to design and implement safety programs for employees;
5. The right to design and implement job training for employees;
6. The right to determine what services shall be rendered to the public;
7. The right to determine job content and job descriptions;
8. The right to determine and implement objectives and goals of the County;
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours;
10. The right to establish, change, and discontinue work standards;
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
12. The right to change, modify, and alter the composition of the work force;
13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and personnel;
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies;
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
17. The right to determine the size and character of inventories and their disposal;
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County;
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same; and
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

## **1.7 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Franklin County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.



**1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

All new hires must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete an I-9 form and show proof of identity and employment eligibility within the first three (3) days of employment. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated. Supervisors shall ensure appropriate forms are properly completed and retained as required by law. I-9 forms are maintained by the Auditor.

**1.9 E-VERIFY**

The Auditor's office shall administer the **e-verify enrollment** of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

**1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS**

All County employees shall complete a **Verification of Eligibility for Local Public Benefits Form** to ensure entitlement to a Federal public benefit as defined by I.C. 12-32-1-2 and State or Local public benefits as defined by I.C. 12-32-1-3. This form shall be administered and retained by the Auditor's office as required by law.

## **2. EMPLOYMENT POLICIES**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **2.1 RECRUITMENT**

Whenever vacancies occur or new positions are created, job information shall be posted within County facilities for seven (7) calendar days to encourage internal promotion and transfer whenever possible. If position is not filled within seven (7) calendar days, job information shall be posted publicly within County facilities until opening is filled. Bulletin boards located in government County buildings will be used for posting job openings.

Open and new job opportunities, insofar as practicable, shall be afforded employees in line with seniority principles subject to ability and job qualifications to be reasonably determined by management.

At the discretion of management and based upon the urgency and specialization of the position requirements, newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official and designated department heads.

### **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a Franklin County Employment Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by each County Department or Office.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Franklin County Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any form may result in the County's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Placement of an employment application with the County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

Applications will be retained in active files for six (6) months, or for the duration of applicant recruitment lists when used. Applications shall be returned to the Auditor prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Auditor to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

### **2.3 APPLICANT TESTING**

Applicant tests may include, but are not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position. The County Commissioners must approve the use of any tests for prospective employees.

### **2.4 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative officer making the employment decision.

### **2.5 CONDITIONAL OFFER OF EMPLOYMENT**

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Franklin County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

## **2.6 MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense.

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants shall be required to submit to a drug test prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the County Commissioners Office, with copies involving benefits or compensation to the Auditor's Office. Access to this information will be limited to the employee, elected official/department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

## **2.7 EMPLOYMENT CATEGORIES**

It is the intent of the County to clarify the definitions of employment classifications; therefore, employees understand their employment status and benefit eligibility. **Any changes to an employee's employment category shall be in writing. No change in employment classification is to be construed or inferred without written notification from the hiring authority. County employees are assigned to one (1) of the following four (4) classifications.**

**FULL-TIME PUBLIC RETIREMENT (FTPR)** employees are those who are not assigned to a Part-Time or Seasonal/Temporary status. FTPR employees are regularly scheduled to work the County's full-time schedule of a minimum of thirty-two and one-half (32 ½) to forty (40) hours per week. FTPR employees are eligible for the following benefits, subject to the terms, conditions, and limitations of each benefit program: Paid Vacation Leave, Holidays, Sick Leave, Sick Leave Reimbursement, Personal Leave, Bereavement Leave, Jury Duty Leave, Worker's Compensation, Social Security benefits, Health Insurance, Life Insurance, COBRA, and County retirement programs.

For the purposes of clarification throughout the handbook, these employees will be referred to as FTPR employees. FTPR employees include exempt and non-exempt classifications. The County Council sets the FTPR compensation rates annually for all positions.

**PART-TIME (PT)** employees are those who are not assigned to a FTPR or Seasonal/Temporary status. Part-Time employees shall not work more than twenty-eight (28) hours per workweek, with the exception of mandatory certification training required of the position. Employment beyond the initially stated period or in excess of initially projected work hours does not in any way imply a change in employment status. PT employees are eligible for legally mandated benefits, Worker's Compensation, and Social Security benefits subject to the terms, conditions, and limitations of each benefit program. PT employees are *not* eligible for the following benefits: Paid Vacation Leave, Holidays (except Veterans Services Officer), Sick Leave, Sick Leave Reimbursement, Bereavement Leave, Jury Duty Leave, Health and Life Insurance, COBRA, and County retirement programs.

For the purposes of clarification throughout the handbook, these employees will be referred to as PT employees. PT employees include exempt and non-exempt classifications. The County Council sets the PT compensation rates annually for all positions.

**SEASONAL/TEMPORARY (ST)** employees are those who are not assigned to a FTPR or Part-Time status. Seasonal/Temporary employees are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a defined project. It is the policy of the County that a Seasonal/Temporary employee who works one hundred twenty (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between season/temporary engagements. Employment beyond any initially stated period does not in any way imply a change in employment status. Seasonal/Temporary employees retain that status until notified of a change.

ST employees are eligible for legally mandated benefits, Worker's Compensation, and Social Security benefits subject to the terms, conditions, and limitations of each benefit program. ST employees are not eligible for the following benefits: Paid Vacation Leave, Holidays, Sick Leave, Sick Leave Reimbursement, Bereavement Leave, Jury Duty Leave, Health and Life Insurance, COBRA, and County retirement programs.

For the purposes of clarification throughout the handbook, these employees will be referred to as ST employees. ST employees include exempt and non-exempt classifications. The County Council sets the ST compensation rates annually for all positions.

## **2.8 INTRODUCTORY PERIOD**

The introductory period is intended to give new, rehired or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new, rehired or transferred employees work an introductory basis for the first ninety (90) calendar days after their "date of hire". Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. This requirement may be waived by elected officials/department heads for employees promoted within the same office or who have worked ninety (90) days.

During the introductory period, employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements. Questions regarding benefits should be directed to the elected official/department head.

Employees who satisfactorily complete the introductory period, will be notified of their new employment classification.

## **2.9 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants.

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

No additional employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

Based upon job requirements at the discretion of elected officials/department heads, applicants may be subject to criminal background and credit checks.

Requests by elected officials/department heads for reference, background, and/or credit checks on applicants should be directed to the Commissioners' Office.

## **2.10 PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Accurate personnel records shall be kept on file for each employee for a period of not less than seven (7) years and should be used to substantiate and support the employment decision in the event of inquiry.

The County maintains five (5) separate personnel records concerning the employee's employment history.

1. **Personnel File:** In each employee's personnel file, records regarding position, pay, benefits, and other employee status actions will be retained. Other items that may be contained in the file are written notes of explanation, original application, and employee forms for taxes and retirement application. This file shall be maintained by the Auditor. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.
2. **Administration File:** Records of leave accrual and leave taken are kept with payroll information in employee records. These records are updated with payroll information. Changes in leave requested or taken can be corrected on the timesheet or by notice to the payroll department. This file may also contain disciplinary actions, awards received, training records, and performance reviews. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by elected officials/department heads.
3. **Medical File:** The employee's medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, ADA accommodations, workers' compensation documents, and other medical related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by Commissioners' Office.
4. **I-9 File:** The I-9 file shall contain the I-9 form. This file shall be maintained by the Auditor's Office.
5. **CDL File:** The CDL file is maintained by the Highway Department.

## 2.11 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the elected official/department head of the employee, the Auditor's Office, County Auditor, County Attorney, and other persons authorized by the County Attorney on a need-to-know basis. The Auditor shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Personnel files are property of the County and access to the information they contain is restricted. Only officials or representatives of the County who have a legitimate reason to review information in a file are allowed to do so. With an appointment with their supervisor, an employee may review material in his/her file. Upon request, the County will provide the employee copies of any documents contained in his/her personnel file.

No information shall be provided to any person concerning the employment of an employee other than job title, salary, and date-of-hire.

## **2.12 PERSONAL INFORMATION CHANGES**

It is the responsibility of each employee to promptly notify the supervisor of any changes in personal data and report information affecting insurance benefits to the Commissioners' Office and information affecting compensation to the Auditor's Office. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such status reports should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefit plans.

## **2.13 ORIENTATION/EXIT INTERVIEWS**

Once employed by the County, the office supervisor shall conduct an informal orientation to familiarize the new employee with the County; the employee will receive a copy of the Franklin County Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

Upon termination, employees are directed to contact the Auditor's Office regarding compensation and the Commissioners' Office regarding County benefits.

## **2.14 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the County. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

If the County determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the County.

Employees may not enter into dealings or financial interests in contracts and services performed by Franklin County. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of Franklin County.



County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to supervisors and/or the County Commissioners. Employees having financial interest in a County or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk with a copy to the State Board of Accounts.

Soliciting political party campaign contributions or promoting political activities are prohibited actions unless approved by the Board of County Commissioners. Violators will be subject to disciplinary procedures.

## **2.15 REQUESTS FOR INFORMATION**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. Communication with the public about County issues is the responsibility of the designated official/department head. All requests or questions from the public must be referred to that official. Employees are advised to consult with their supervisor before releasing information which is confidential or privileged by law.

## **2.16 LAYOFF AND RECALL**

Franklin County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

1. Lack of work;
2. Lack of funds or projected lack of funds;
3. Job abolishment; and/or
4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include employee qualifications, length of continuous service, and operational needs of the County. The County Council shall provide notification of a layoff to elected officials/department heads as soon as practicable. It shall be the responsibility of the elected official/department head to provide advanced written notice of termination to employees affected by the layoff.<sup>1</sup> Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work.

Any recalled employees needing more than the ten (10) days to report to work must have written approval from their elected official/department head. Any employee accepting or

---

<sup>1</sup> Amended March 2015

declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

## **2.17 NEPOTISM**

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this County in the future.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

## **2.18 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED**

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or

holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

## **2.19 CONTRACTING WITH THE COUNTY**

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

An elected official that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

## **2.20 HIRING/CONTRACTING ROMANTIC PARTNERS**

To avoid potential conflict of interest situations, or complaints of favoritism, it is the policy of Franklin County that Elected Officials/Department Heads shall not hire romantic partners including, but not limited to, girlfriends, boyfriends, fiancés, and/or co-habiting partners regardless of gender in a position where the Elected Official/Department Head would be in a direct line of supervision.

It is also the policy of the County that elected officials or department heads shall not enter into or renew a County contract with a romantic partner for goods or services or a contract for public works.

Elected Officials or Department Heads may request that the County Commissioners authorize an exception to this policy. Such requests shall be in writing stating the reasons

for the exception. Any exceptions made by the County Commissioners shall be made in a public meeting of the County Commissioners.

### **3. SALARY ADMINISTRATION**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

#### **3.1 NORMAL WORKWEEK**

The normal workweek begins on Saturday and ends on the following Friday.

#### **3.2 WORK HOURS**

**Courthouse/Administration:** Monday – Friday 8:30 a.m. to 4:00 p.m. with one (1) hour unpaid lunch period.

**Highway:** Monday – Friday 6:30 a.m. to 3:00 p.m. with one-half (1/2) hour unpaid lunch period. **Highway Administration:** Daily work hours shall vary, but shall consist of a thirty six (36) hour workweek.

**Transfer Station:** Monday – Saturday 8:30 a.m. to 3:00 p.m. with half (1/2) hour unpaid lunch period. Employees shall work varied work hours on Saturdays with half (1/2) hour unpaid lunch period.

**Park:** Employees work varied work schedules as approved by the Park Board.

Employee work hours are subject to change by the Board of County Commissioners.

#### **3.3 JOB DESCRIPTIONS**<sup>2</sup>

Franklin County positions, except those of elected officials, have been described in job descriptions. Job descriptions are maintained in the Commissioners' Office. Copies of job descriptions are available in each office or department and provided to each employee.

#### **3.4 COMPENSATION**

Franklin County compensates employees in accordance with decisions by the County or the State of Indiana as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period.

---

<sup>2</sup> Amended March 2015

The supervising elected official or administrator may make suggestions about salary compensation and other pay system concerns; however, the final decision regarding compensation levels rests with the Franklin County Council.

### **3.5 LONGEVITY PAY**

The provision for longevity pay shall apply to all FTPR employees of the County and elected officials, i.e., Auditor, Assessor, Coroner, Treasurer, Recorder, Sheriff, Clerk, County Commissioners, and members of the Franklin County Council.<sup>3</sup>

Longevity pay for FTPR employees shall be paid at the amount established annually by the County Council for each year of continuous full-time employment status, based on years of service as of December 31<sup>st</sup> of the preceding year. The first year of service shall be the calendar year in which the FTPR employee reaches twelve (12) months of continuous full-time employment with the County, without regard to the actual date of employment within the calendar year.

For example, an employee with a hire date of August 29, 1996 is credited with 17 years of services in calculating 2013 longevity pay. Likewise, another employee with a hire date of February 1, 1996 is also credited with 17 years of service and would receive the same amount.

An employee who terminates employment or is terminated, prior to December 31<sup>st</sup> of an eligible year, will NOT receive any cumulative or single year longevity pay. However, an employee who has met established state and/or county retirement criteria, will receive his/her final longevity pay with his/her final paycheck. Longevity will be pro-rated on a month to month basis after December 31<sup>st</sup> of each year.

### **3.6 CALL BACK PAY**

Employees called back to work after the regular work shift shall be compensated a minimum of two (2) hours and for all hours worked beyond two (2) hours.

### **3.7 JOB CLASSIFICATION**

The County has adopted the Factor Evaluation System (FES) of job classification for all County jobs. It is regularly monitored and revised to reflect changes in job duties as they occur.

All County positions, except those of elected officials, are systematically grouped into job classes based on their fundamental similarities.

The classifications are as follows:

- A. Labor, Trades, and Crafts (LTC)
- B. Computer, Office Machine Operation, Technician (COMOT)
- C. Professional, Administrative, Technological (PAT)
- D. Protective Occupations, Law Enforcement (POLE)

---

<sup>3</sup> Amended March 2015

### **3.8 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE**

Any change in job classifications or pay rates must be approved by the County Council. The Franklin County Personnel Administration Committee is established to oversee maintenance of the job classification and pay plan serving in an advisory capacity.

The Committee shall have the authority to recommend a change in position classification of jobs filed for review.

In the event that an elected official/department head wishes to create a new position not currently classified or reorganize jobs within a department, review seniority, abolish a position, or if an employee desires to have a job classification review made of his/her position, the County has established the following procedures:

Job Classification Review forms are available for use in the County Commissioners' Office, with the Commissioners' secretary.

Upon completion and return of the review form and provision of any other supplemental information, the Committee will meet to evaluate the requested action and make recommendations to the County Council.

No second or subsequent request for review shall be filed by the employee in the position or heard by the Committee within less than eighteen (18) months after the Committee's recommendation of the prior request.

### **3.9 WAGE POLICY**

Employees violating the sick leave, personal leave, and/or vacation policy of the County shall be penalized as follows:

- A. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, personal leave days, and vacation days.
- B. If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be deducted from his/her wages.
- C. For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- D. The wages of an elected official cannot be deducted, as set by law.

Additional disciplinary actions may be taken for violations of the sick leave, personal leave, and/or vacation policy, up to and including termination of employment with Franklin County.

### 3.10 **TIMEKEEPING**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker. The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

IC 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees.

These records are subject to audit by the State Board of Accounts. Time worked is all the time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording their time worked on County forms or time keeping machines.



Employees should accurately record the time they begin and end their work and the time they begin and end each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the elected official/department head before it is performed.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including discharge.

### **3.11 WORK TIME RESTRICTED**

Non-exempt employees shall not commence any work activities on behalf of Franklin County before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by their department head/elected official.

This policy shall not be construed to mean that employees can be seven (7) minutes late without being in violation of the County's attendance and punctuality policy (6.2 *ATTENDANCE AND PUNCTUALITY*).

### **3.12 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter hour schedule.

This policy shall not be construed to mean that employees can be seven (7) minutes late without being in violation of the County's attendance and punctuality policy (6.2 *ATTENDANCE AND PUNCTUALITY*).

### **3.13 MULTIPLE POSITIONS**

Non-exempt employees working in more than one Franklin County position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

### **3.14 TIMESHEETS**

It is the responsibility of those employees who are required to maintain a timesheet, to properly record the time that he/she has worked during a payroll period. Any used accrued vacation time, sick leave, compensatory time, personal leave, or any other approved leave must be listed where indicated. At the end of the reporting period, the employee will sign the timesheet, verifying its accuracy.

The supervisor will counter-sign the timesheet, indicating that the hours claimed were actually worked. Failure by an employee to submit a timesheet when required or submitting a falsified timesheet may result in disciplinary action.

For detailed instructions on how and when to complete timesheets, employees should consult with their elected official/department head.

### **3.15 PAYDAYS**

Employees are paid bi-weekly on Friday. Each paycheck includes earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off (such as a holiday), employees will be paid on the last day of work before the regularly scheduled payday.

### **3.16 PAY CORRECTIONS**

Franklin County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid properly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her department head with a copy of the notice sent to the Auditor's Office.

The prompt reporting of errors is in everyone's best interest. All reports will be investigated. If it is determined that an improper deduction was made, the error will be corrected on the next payroll date.

### **3.17 PAY DEDUCTIONS/GARNISHMENTS**

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. Additionally, deductions may be authorized for employee contributions to health, and supplemental insurance and deferred compensation plans as requested by the employee.

### **3.18 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each County position is designated as either **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

Employees holding **NON-EXEMPT** positions are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws.

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive overtime compensation or compensatory time off.

### **3.18.1 Overtime**

In the event that an elected official/department head requires a non-exempt employee to work overtime, such employee shall be granted either overtime compensation in the form of monetary reimbursement at the rate of one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in a workweek; or if overtime funds have not been approved, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement is based on actual hours worked, except that time off for paid holidays, bereavement, sick time, and vacation time shall count as hours worked for purposes of calculating overtime compensation. When calculating payroll and fractions are encountered at the end of the day, the fraction should be rounded up to the next quarter (1/4) hour.<sup>4</sup>

The calculation of overtime shall include base salary, longevity, any certification pay, and holiday pay (Sheriff Merit Officers, Dispatchers, and Corrections Officers only).

### **3.18.2 Compensatory Time**

Employees shall be compensated non-FLSA compensatory time on an hour-for-hour basis for additional hours worked up to forty (40) hours per workweek.

When FLSA compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half (1 ½) times the amount of approved hours as specified in this policy. Earning FLSA compensatory time is based on actual hours worked, except that time off for paid holidays, bereavement, sick time, and vacation time shall count as hours worked for purposes of calculating overtime compensatory time. Use of FLSA compensatory time, in lieu of monetary overtime, must be determined in advance of working overtime and in advance of submission of payroll. When calculating payroll and fractions are encountered at the end of the day, the fraction should be rounded up to the next quarter (1/4) hour.<sup>5</sup> At their sole discretion, elected officials/department heads may schedule use of employee compensatory time.

---

<sup>4</sup> Amended August 2016

<sup>5</sup> Amended August 2016

**3.18.3 Maximum Compensatory Time Accrual**

Non-Public Safety employees may accrue one hundred twenty (120)<sup>6</sup> compensatory time hours before monetary compensation is paid. Accrued compensatory hours are paid upon termination of employment; however, the County retains the right to pay compensatory time at any time.

**3.18.4 Overtime Approved in Writing**

All overtime compensation or compensatory time shall be approved in writing by the employee's supervisor. Documentation shall be maintained in the department of the employee with a copy provided to the Auditor's Office.

**3.18.5 Failure to Work Scheduled Overtime or Overtime without Authorization**

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

**3.19 EMERGENCY CLOSING**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a Franklin County work facility is officially closed by the County Commissioners for emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to all full-time employees affected by the facility closing.

If an employee is required to work at a closed facility, the employee shall be additionally compensated for all such hours worked at his/her normal rate of pay or through compensatory time. Such work must have prior approval by the County Commissioners.

Any employee who reports to work and their work facility is later closed due to an emergency after his/her arrival shall be paid for a full workday without being penalized by use of vacation or personal leave or making up this time within the pay period.

However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged as compensatory time, personal leave, vacation, or approved sick leave time (if applicable). If a part-time employee cannot report to work, time missed will not be paid.

---

<sup>6</sup> Amended July 2016

### **3.20 EMPLOYMENT TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**Resignation:** Voluntary employment termination initiated by the employee. Although advance notice is not required, Franklin County requests at least a two (2) week notice from the employee. The elected official/department head shall determine whether the employee may work out his/her notice.

**Discharge:** Involuntary employment termination initiated by the County.

**Layoff:** Involuntary employment termination initiated by the County for non-disciplinary reasons, which may include but is not limited to lack of work, lack of funds or projected lack of funds, job abolishment; and/or reorganization.

**Retirement:** Voluntary employment termination initiated by the employee meeting established state and/or County retirement criteria, such as age and length of service. Franklin County requests more than a four (4) week notice from the employee. Employees will receive their final pay in accordance with applicable state law.

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified by the Commissioners' Office, in writing, of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Prior to an employee's departure, an exit interview may be scheduled with the elected official/department head.

### **3.21 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work.

The County may also take all action deemed appropriate to recover or protect its property.

## **4. EMPLOYEE BENEFITS**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **4.1 VACATION**

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. FTPR employees are provided annual vacation leave during each year in order to achieve this purpose. PT and ST employees are not eligible for paid vacation leave. Vacation leave is not earned while an employee is in a non-paid leave status for disciplinary suspensions.

The schedule for earning vacation days is as follows:

<b>YEARS OF SERVICE</b>	<b>VACATION TIME OFF</b>
After 1 year	32 ½ hours
After 2-9 years	65 hours
After 10-19 years	97 ½ hours
After 20 years	130 hours
After 30 years and after <sup>7</sup>	162 ½ hours <sup>8</sup>

There shall be no annual leave earned by a full-time employee until after one (1) year of service with the County. After one (1) year of service, the employee will be credited with 32 ½ hours of vacation.

### **HIGHWAY DEPARTMENT:**

<b>YEARS OF SERVICE</b>	<b>VACATION TIME OFF</b>	<b>ADMINISTRATION</b>
After 1 year	40 hours	36 hours
After 2-9 years	80 hours	72 hours
After 10-19 years	120 hours	108 hours
After 20 years	160 hours	144 hours
After 30 years and after <sup>9</sup>	200 hours <sup>10</sup>	180 hours <sup>11</sup>

There shall be no annual leave earned by a full-time employee until after one (1) year of service with the County. After one (1) year of service, the employee will be credited with 40 hours (laborer employee) or 36 hours (administration employee) of vacation.

<sup>7</sup> Amended March 2015

<sup>8</sup> Amended March 2015

<sup>9</sup> Amended March 2015

<sup>10</sup> Amended March 2015

<sup>11</sup> Amended March 2015

**4.1.1 Terms and Conditions of Vacation Leave**

- A. All FTPR employees who are beyond their first year of total County service shall be credited with an allowable annual leave balance at the beginning of each calendar year according to the schedule above.
- B. Scheduling of vacations shall be a matter within the discretion of the elected official/department head.
- C. Employees shall use vacation time off during the year in which it was earned. If the employer causes the employee to work on a vacation day, the employee will be credited with the vacation time to be used within forty-five (45) days. Employees shall be paid at one and one-half (1 ½) for all time worked when called in on a vacation day.
- D. Upon separation or retirement, employees will be paid for unused vacation time that has been earned through the last day of work. Employees resigning from employment with the County must provide a two (2) week notice to receive payment for any unused vacation time. Payment for accrued and unused vacation time at termination may be included in the employee's last regular pay check if possible or in a separate check. An employee's termination date may not be extended to accrue additional vacation time. The employee's termination date shall always be the last day worked. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.
- E. Vacation time shall be taken in no less than half (1/2) shift increments, and must be scheduled at least one (1) day in advance, unless an emergency exception is approved by the elected official/department head.
- F. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. The elected official/department head may designate by rule the time when each employee under his/her supervision may take vacation leave. Elected officials/department heads have the authority to approve or deny vacation requests.
- G. When an employee takes a vacation during a week in which a holiday falls, the holiday does not count as a vacation day.
- H. Vacation time may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned vacation time for use.

## **4.2 HOLIDAYS<sup>12</sup>**

The Board of County Commissioners shall designate the legal holidays recognized by the County and shall post such holidays in December for the following year within the County facilities.

FTPR employees shall receive pay for holidays designated by the Board of Commissioners.

PT and ST employees shall not receive compensation for holidays as designated.

The following days are designated as regular holidays for full-time employees:

- New Year's Day
- Martin Luther King, Jr. Day
- President's Day
- Good Friday
- Primary Election Day (if Primary Election Year)
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- General Election Day (if General Election Year)
- Veterans' Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Day

FTPR employees shall be paid for a holiday at their regular rate of pay. If an employee is scheduled to work, or called-in to work, on a holiday, he/she shall be paid at a rate of one and one half (1 ½) times his/her regular rate of pay for all hours worked on the holiday.

Holidays which occur during vacation shall not be charged against accrued vacation time.

## **4.3 SICK LEAVE<sup>13</sup>**

### **A. Thirty two and one half hour per week employees:**

Thirty-two and one half (32 ½) hour per week FTPR employees shall be granted 6.5 sick leave hours every 52 calendar days of employment with the County during their first year. FTPR employees will receive 45 ½ sick leave hours at the beginning of each calendar year, after the first year of employment. Sick leave with pay shall not be taken before it accrues, and will only apply to the employee's regular work schedule. Sick leave may be accumulated up to 325 hours.

---

<sup>12</sup> Amended November 2015

<sup>13</sup> Amended November 2015



**B. Thirty-six hour per week employees:**

Thirty-six (36) hour per week FTPR employees shall be granted 7.2 sick leave hours every 52 calendar days of employment with the County during their first year. FTPR employees will receive fifty (50) hours of sick leave with regular pay at the beginning of each calendar year after the first year of employment. Sick leave with pay shall not be taken before it accrues, and will only apply to the employee's regular work schedule. Sick leave may be accumulated up to 360 hours.

**C. Forty hour per week employees:**

Forty (40) hour per week FTPR employees shall be granted 8.0 sick leave hours every 52 calendar days of employment with the County during their first year. FTPR employees will receive fifty six (56) hours of sick leave with regular pay at the beginning of each calendar year after the first year of employment. Sick leave with pay shall not be taken before it accrues and will only apply to the employee's regular work schedule. Sick leave may be accumulated up to 400 hours.

**4.3.1 Conditions and Stipulations:**

- A. PT and ST employees shall not receive sick leave benefits.
- B. To be eligible for sick leave, an employee must report his/her absence to their supervisor prior to the scheduled start time of their shift on the first day for which the leave is sought.
- C. After two (2) consecutive days off or in the event of possible abuse of the sick leave policy, a doctor's verification of illness shall be requested.
- D. Sick leave shall not accrue during leaves of absence and shall not be compensated upon involuntary termination from employment or leave of absence.

Sick leave benefits are intended solely to provide income protection in the event of illness; or injury and may not be used for any other absence.

Sick leave is payable at the employee's regular rate of pay at the time of leave and must be taken in minimum one (1) hour increments.

#### 4.4 **SICK LEAVE REIMBURSEMENT**

##### **A. Employees hired prior to December 31, 2009**

Full-time employees hired prior to December 31, 2009 are eligible for reimbursement of accrued, unused sick days upon voluntary termination in accordance with the schedule set out below:

<b><u>LENGTH OF SERVICE</u></b>	<b><u>REIMBURSEMENT</u></b>
0-4 <sup>th</sup> Year	None
5 <sup>th</sup> Year	25%
6 <sup>th</sup> Year	30%
7 <sup>th</sup> Year	35%
8 <sup>th</sup> Year	40%
9 <sup>th</sup> Year	45%
10 <sup>th</sup> Year	50%
11 <sup>th</sup> Year	55%
12 <sup>th</sup> Year	60%
13 <sup>th</sup> Year	65%
14 <sup>th</sup> Year	70%
15 <sup>th</sup> Year	75%
16 <sup>th</sup> Year	80%
17 <sup>th</sup> Year	85%
18 <sup>th</sup> Year	90%
19 <sup>th</sup> Year	95%
20 <sup>th</sup> Year	100%

Employees who are involuntarily terminated by the County shall forfeit reimbursement for accumulated sick hours.

No partial accruals are allowed. Employees must complete the entire year of service to be eligible for that length of service reimbursement percentage.

##### **B. Employees hired after January 1, 2010**

Full-time employees hired after January 1, 2010 are eligible for reimbursement of fifty percent (50%) of their accrued, unused sick hours upon voluntary termination.

Employees who are involuntarily terminated by the County shall forfeit reimbursement for accumulated sick hours.

No partial accruals are allowed.

#### **4.5 PERSONAL LEAVE**

FTPR employees will be allowed (2) personal days on their one (1) year anniversary. One (1) personal day is equal to a regular work shift. These (2) personal days must be used before January 1<sup>st</sup> of the following year. After the first year of employment, personal leave will be awarded at the beginning of each calendar year. Unless an emergency exists, the elected official/department head must receive a request one (1) day in advance of the day the employee would like to use paid personal time off. Personal leave must be taken within the calendar year and shall not accrue year-to-year.

Personal leave are payable at the employee's regular rate of pay at the time of leave and must be taken in minimum two (2) hour increments, with exception of intermittent FMLA leave which is one (1) hour.

PT and ST employees shall not receive Personal Leave benefits.

Upon termination, pay for unused personal leave will be included in the employee's last regular paycheck. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused personal leave.

#### **4.6 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy (also stated as "regular" FMLA policy) serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Franklin County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Franklin County.

##### **4.6.1 Entitlement**

Eligible employees are entitled to twelve (12) weeks of paid/unpaid (depending on terms and conditions described below) FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

**4.6.1(A) Serious Health Condition Defined**

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

**4.6.1(B) Chronic, Permanent, or Long-term Health Condition Defined**

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

**4.6.2 Eligibility**

An "eligible employee" is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months;

2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer's intention to rehire the employee after a break in service.

#### **4.6.2(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.

An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Franklin County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

#### **4.6.3 Employee Notice Requirements**

##### **4.6.3(A) Foreseeable FMLA Leave**

An employee must provide the County at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the County's FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations, subject to the approval of the health care provider.

**4.6.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice.

The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

**4.6.3(B) Unforeseeable FMLA Leave**

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

**4.6.3(b) Employee Failure to Provide Notice**

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy, the extent to which the County may delay FMLA coverage for leave depends on the facts of the particular case.

#### **4.6.3(C) Requesting FMLA Leave**

All requests for FMLA leave must be submitted, in writing, directly to the elected official/department head. The elected official/department head shall make a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the County.

When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees should contact the County Commissioners' Office to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

#### **4.6.4 Employer Notice Requirements**

##### **4.6.4(A) Eligibility and Rights & Responsibilities**

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities)** to satisfy requirements under this section.

##### **4.6.4(B) Designation Notice**

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee. When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the County may provide the employee with the designation notice at that time.

If the information provided by the County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The County shall use the Department of Labor form **WH-382 (Designation Notice)** to satisfy requirements under this section.

#### **4.6.5 Certification**

Franklin County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by the County shall be at the employee's expense.

Franklin County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

Franklin County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**. The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.



At the time the County requests certification, the County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

**4.6.5(A) Complete and Sufficient Certification**

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

**4.6.5(B) Clarification and Authentication**

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Commissioners' Administrative Assistant or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

**4.6.5(C) Second and Third Medical Opinion**

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the

second opinion, including reasonable “out-of-pocket” travel expenses, and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion, including reasonable “out-of-pocket” travel expenses.

The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

#### **4.6.5(D) Recertification**

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The County may seek recertifications for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request.

Any recertification requested by the County shall be at the employee's expense.

#### **4.6.5(E) Fitness-for-Duty Certification**

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382**

**(Designation Notice)** whether a fitness-for-duty certification shall be required.

The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

#### **4.6.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2010); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2011).

In situations where both a husband and wife work for the County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) **combined total** leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

An employee shall use any accrued paid sick, non-FLSA compensatory time, personal leave, or vacation leave for any part of the twelve (12) week period under the County's FMLA policy; except that employees may elect to retain up to 32 ½ hours of vacation leave. Any holiday that occurs during an FMLA leave shall be paid.

Accruals for benefit calculations, such as vacation, personal leave, or holiday benefits, shall not be affected by taking FMLA leave.

#### **4.6.6(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave shall be calculated using one (1) hour increments. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

#### **4.6.6(B) Health Benefits**

Any health plan, including self-insured plans, provided by the County will be continued for the employee on FMLA leave on the same terms

that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

#### **4.6.7 Employee Reinstatement**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

However, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, he or she shall repay the County's portion of the premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

**While an employee is on FMLA leave for their own serious illness or injury, he/she shall not be engaged in outside employment.**

#### **4.6.8 Military Family Leave Entitlements**

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent.

The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County's "regular" FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's

rights and obligations to Military Family leave are governed by the County's "regular" FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

**4.6.8(A) Employee Notice Requirements**

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the County's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

**4.6.8(B) Entitlement**

Eligible employees are entitled to **twelve (12) weeks** of paid/unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to **twenty-six (26) weeks** of paid/unpaid Military Family leave for the following situation:

1. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

**4.6.8(C) Covered Active Duty Defined**

The term “covered active duty” means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters under a call or order to active duty pursuant to applicable law.

**4.6.8(D) Covered Servicemember Defined**

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or condition that existed before the servicemember’s active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee’s first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the “single 12-month period” of leave even if the leave extends beyond the five (5) year period.

**4.6.8(E) Qualifying Exigency Leave**

Eligible employees may take **up to a total of twelve (12) weeks** of paid/unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent (the “covered military member”) is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;

7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

**4.6.8(a) Certification**

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

**4.6.8(b) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee.



However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

**4.6.8(F) Military Caregiver Leave**

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to a total of twenty-six (26) weeks of paid/unpaid Military Family leave during a "single twelve (12)-month period" to care for the servicemember.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12)-month period." However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The "single twelve (12)-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the "single twelve (12)-month period" if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a

serious health condition, or to care for a covered servicemember with a serious injury or illness.

**4.6.8(b) Next of Kin Defined**

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

**4.6.8(c) Designating Leave**

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

**4.6.8(d) Certification**

When leave is taken to care for a covered servicemember with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. Certification requests by the County shall be at the employee’s expense.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA “regular” policy. However, second and third opinions and recertifications, as outlined above in the

County's FMLA "regular" policy, are not permitted for leave to care for a covered servicemember.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

**4.6.8(e) ITOs and ITAs Certification**

The County, in place of the Department of Labor form WH-385, shall accept "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)**, as requisite certification for the remainder of the employee's necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County's "regular" FMLA policy. However, second and third opinions and recertifications, as outlined above in the County's FMLA "regular" policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

In all instances in which certification is requested, it is the employee's responsibility to provide the County with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

#### **4.7 AMERICANS WITH DISABILITIES (ADA)**

It is the policy of Franklin County that qualified individuals with disabilities not be excluded from participating in or benefiting from the services, programs, or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement, or discharge of employees; employee compensation; job training; and other terms, conditions, and privileges of employment. It is the intent of this County to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position.

The County will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. All employees are required to comply with safety standards. Applicants who pose a direct threat, which cannot be eliminated by reasonable accommodations, to the health or safety of other individuals in the workplace, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the County ADA Coordinator (the President of the County Commissioners) on how Franklin County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator (the President of the County Commissioners).

#### **4.8 MILITARY LEAVE**

Franklin County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

##### **4.8.1 Annual Training**

A military leave of absence will be granted to all full-time Franklin County employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for the Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (Franklin County) and military pay up to fifteen (15) days per year.

Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two (2)-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

#### **4.8.2 Active Duty/Enlistment**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use accrued vacation or personal leave while performing military duty.

Employees who are on active military duty leave and are under the County's health care plan, may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from a military leave of absence, an employee will be reinstated to a Franklin County position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

Employees on such leave must notify Franklin County of the intent to return to employment in accordance with all applicable state and federal laws.

#### **4.8.3 Indiana Military Family Leave**

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Indiana Military Family Leave under qualifying circumstances. In order for an employee to be eligible for Indiana Military Family Leave, the employee must have worked for Franklin County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Indiana Military Family Leave may not exceed a total of ten (10) working days annually. Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Indiana Military Family Leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

Franklin County may require verification of the military orders in order to approve Indiana Military Family Leave.

Indiana Military Family Leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family Leave.

Indiana Military Family Leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Military Family Leave under the FMLA.

#### **4.9 BEREAVEMENT LEAVE**

A maximum of three (3) work days with pay for County FTPR employees will be allowed for a death in the immediate family which includes: parent, spouse, child, step-child, father, father-in-law, mother, and mother-in-law.

A maximum of two (2) work days with pay for County FTPR employees will be allowed for the death of grandparents, grandchildren, brother, brother-in-law, sister, and sister-in-law. A maximum of one (1) work day with pay for County FTPR employees will be allowed for the death of uncles, aunts, first cousins, nieces and nephews.

At the discretion of the elected official/department head, absence for other funerals will be considered as vacation leave, personal leave, or granted without pay.

Bereavement leave shall be taken concurrent with the bereavement or memorial services for the family member or relative; any exceptions shall be approved by the elected official/department head.

PT and ST employees shall not receive paid Bereavement Leave.

#### **4.10 JURY DUTY AND COURT APPEARANCES**

Franklin County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees must provide a copy of the jury duty summons to

their supervisor as soon as possible for the supervisor to make arrangements to accommodate the employee's absence.

If a FTPR employee is called for jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, the employee shall receive his/her regular salary or wage in full for such time in court. PT and ST employees shall receive no wages for time spent on jury duty, but shall be entitled to retain any compensation received for such service.

The employee will be expected to report for work following jury duty, if a reasonable amount of time (two [2] hours or more) remains during his/her scheduled workday.

If an employee is called for court jury duty or subpoenaed to testify in a court of law outside of his/her regularly scheduled working hours, all compensation received for such court service shall be retained by the employee.

The County will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences will be charged against vacation, personal leave, or compensatory time as applicable.

Either the County or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

The employer will continue to provide all regular benefits for the full term of jury duty and court appearances allowed under this policy.

#### **4.11 EDUCATION LEAVE**

With the approval of the elected official or department head, FTPR or PT employees may be granted time to attend seminars, workshops, training programs, or other educational functions related to an employee's position, and employees participating in such functions shall receive their regular pay.

#### **4.12 WORKERS' COMPENSATION**

Franklin County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period. While on workers' compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.



Any employee who sustains a work-related injury or illness should inform his/her elected official/department head **immediately** and the elected official/department head shall inform the County Auditor.

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life threatening condition, he/she should proceed directly to the nearest hospital or medical facility.

**Employees should contact their elected official/department head to obtain information and forms regarding filing workers' compensation claims.** Medical certifications are required. Once completed, all such forms are to be filed directly with the County Commissioners' Office.

As specified by Indiana workers' compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8<sup>th</sup>) day. However, on the twenty-second (22<sup>nd</sup>) day of disability the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

However, if the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

During the first (6) weeks when an employee is on workers compensation the County will pay the (1/3) difference in compensation

After the first (6) weeks the employee may elect to use any accrued paid sick, compensatory time, personal leave, or vacation leave to cover the (1/3) difference in compensation.

Certain injuries are excluded from workers' compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

Neither the County or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the County.

While an employee is on workers' compensation leave, he/she shall not be engaged in outside employment.

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

For eligible employees, workers' compensation leave is considered FMLA leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.

#### **4.13 HEALTH INSURANCE**

FTPR County employees, and elected officials, i.e., Auditor, Assessor, Coroner, Treasurer, Recorder, Sheriff, Clerk, County Commissioners, and members of the Franklin County Council<sup>14</sup> shall be eligible for the medical group insurance provided by the county.

Specific details of eligible coverage are contained in the County's insurance plan that is provided each employee and is available in the County Auditor's office.

Employees shall immediately notify the County Auditor's Office of all changes in personal status for the purposes of insurance coverage (i.e. changes in marriage status or number of dependents).

Some County employees may be eligible for continuance coverage of insurance for a designated period of time after leaving County employment by paying the full cost of the insurance premium. Eligible employees must notify the County within thirty (30) days of leaving employment of their intent to continue benefit coverage to remain eligible. Employees should contact the County Auditor's Office regarding eligibility for continuation of coverage.

#### **4.14 GROUP TERM LIFE INSURANCE**

The County provides term life insurance for FTPR employees. Specific details of coverage are contained in the County's benefit plan which is available in the Auditor's Office.

---

<sup>14</sup> Amended March 2015

**4.15 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)**

All FTPR County employees are covered by INPRS, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

Questions concerning the program should be directed to the County Auditor's office and/or the Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis, IN. 46204.

**4.16 SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE**

The County matches employee withholding for FICA and pays the full cost of Indiana Unemployment Insurance.

**4.17 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)**

Franklin County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly.

Franklin County has designated the Commissioners' Administrative Assistant as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures. The Commissioners' Administrative Assistant is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Commissioners' Administrative Assistant.

**4.18 LEAVE OF ABSENCE WITHOUT PAY**

Full time employees, who have exhausted all accrued paid leave and compensatory time, may be granted a leave of absence without pay not to exceed ninety (90) days. Full-time employees are eligible for such leave after completing one (1) year of service. A leave of absence should be taken for reasons which are in the best interest of the County and/or employee upon sufficient notice to the County. Part-time and temporary employees are not eligible for this benefit.

Such leave shall be authorized by the Supervisor and County Commissioners in advance of taking such leave.

During such leave, sick, personal, and vacation leave shall not accrue, and the employee shall not receive compensation for designated holidays. The employee's health insurance shall continue with the County with the employee paying 100% of the monthly insurance premium.

Upon return to employment, the employee will, for the purpose of accrual and eligibility for benefits, be reinstated in the position or comparable position the employee was assigned at commencement of the leave of absence.

If a leave of absence expires and the employee fails to return to work, the employee shall be considered to have voluntarily resigned.<sup>15</sup>

#### **4.19 BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA), permits employees leaving their employer to have the option of continuing some of their benefits (health and dental insurance) at their own expense.

A person employed by Franklin County, enrolled in the employee health plan, can choose to continue the insurance coverage if his/her position is lost due to reduction in hours or termination of employment. The spouse of an employee can choose to continue the coverage at his/her expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage under Medicare. Similar circumstances would permit the child of a separated employee to continue coverage.

Coverage may be continued for eighteen months, and in some circumstances, up to three years. The Commissioners' Administrative Assistant will be able to provide more information on the COBRA options for affected employees and dependents.

---

<sup>15</sup> Amended February 2017

## **5. WORKING CONDITIONS**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **5.1 SAFETY**

Establishing and maintaining a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Supervisors and employees at all levels of Franklin County are expected to correct unsafe conditions as promptly as possible. All accidents shall be reported to the employee's elected official/department head **immediately** and the elected official/department head shall inform the Commissioners' Administrative Assistant within twenty-four (24) hours, regardless of how insignificant any injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

In the case of an injury requiring medical attention, he/she should proceed directly to the nearest hospital or medical facility.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor to decide when to return to work, light duty job opportunities that may be available, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

### **5.2 BLOODBORNE PATHOGENS**

County employees working in high risk jobs will be offered bloodborne pathogen training and a series of Hepatitis B vaccinations for their protection. The County will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) have determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties (i.e. Sheriff's Deputies, Jailers, Dispatchers, Custodians, Clerks, and Highway and Health Department employees). To ensure that County employees are aware of occupational exposure to bloodborne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. This control plan is available for all County employees and is located in the County Health Department.

### **5.3 LACTATION SUPPORT**

Franklin County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

Franklin County shall provide a room or other location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public, during any period away from their assigned duties.

The County shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their workday.

Except in cases of willful misconduct, gross negligence, or bad faith, Franklin County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

- A. The expressing of employees' breast milk; or
- B. The storage of expressed milk.

### **5.4 USE OF TELEPHONES AND COUNTY MAIL**

Personal telephone calls should be limited in frequency and duration. Personal use of County telephones and fax machines for long-distance calls is not permitted, except for emergencies. For any emergency personal use, employees shall reimburse the County for all long-distance charges. All other non-emergency long-distance calls shall be approved by his/her elected official/department head before being conducted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at work.

### **5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS**

Cellular telephones are provided for official County business only and are made available to employees in positions where the associated benefits justify the additional operating costs. These employees would include those who travel, have job responsibilities that include being outside of the office or who are continuously on-call for extended periods. The employee who is issued a cellular phone will acknowledge the receipt and acceptance of the conditions for the individual assignment of a County-owned cellular

phone. **Any Internet usages or text messaging (where applicable) will not be allowed unless it is approved by the Franklin County Commissioners on the Acknowledge of Acceptance Form.** All completed forms must be forwarded to the Board of Commissioner's office and will remain in the employee's personnel file for the duration of the individual's employment. When the employee leaves his/her position or is no longer an authorized user, the County cellular equipment must be returned to the Board of Commissioners office. If the phone is not returned, the County will charge the former employee for the cost of a new replacement phone and/or equipment.

The call detail (e.g., time, number called, date, duration) of all calls appearing on the County cellular telephone bill is *public information*. With this in mind, personal use of County-owned cellular telephones is prohibited, with the exception of essential personal calls made with minimal duration and frequency, which cannot be made at another time. Examples of these essential personal calls may include calls to arrange for the care of a child, alert a family member of an unexpected delay due to a change in your work schedule, weather related delay, to arrange for transportation or service in the event of car trouble or a true family emergency.

If an employee is using the County phone for personal use on a continuous basis, the County may charge the employee for these additional usages through a payroll deduction or revocation of the cellular assignment and possible disciplinary action against the employee could result.

An employee may elect to purchase additional minutes for personal use of a County cell phone through a payroll deduction with authorization from their department head and approved by the Franklin County Commissioners. Employees are responsible for keeping track of and identifying their personal calls and/or other usages in a timely fashion when the monthly cellular bill arrives. Any calls and/or other usages in uncertainty will be the responsibility of the employee.

#### **5.5.1 Use of Cellular Phones and Electronic Devices While Driving**

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting County business. This policy applies to all uses of cellular phones and communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving. Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees, while driving a classified commercial vehicle, shall not send or read received text messages on personal or County-issued cellular phones.

Employees should not use hand held cellular phones for business purposes while driving, except for emergency personnel responding to emergency situations. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

## **5.6 USE OF INFORMATION TECHNOLOGIES**

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on this Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and Franklin County Government is not responsible for material viewed or downloaded by Users from the Internet. To minimize these risks, your use of the Internet at Franklin County Government is governed by the following policy:

### **5.6.1 Permitted Use of Internet and County Computer Network**

The computer network and the computer you use is the property of Franklin County Government ("County") and may only be used for legitimate business purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain employees ("Users") may also be provided with access to the Internet through the computer network. All Users have a responsibility to use the County's computer resources and the Internet in a professional, lawful, and ethical manner. Abuse of the computer network or the Internet may result in disciplinary action, which could also include the payment for a cleanup of a virus that a User had viewed or downloaded from an unauthorized file, including possible termination, and civil and/or criminal liability.



## **5.6.2 Computer Network Use Limitations**

### **5.6.2(A) Prohibited Uses**

The following activities are prohibited without prior written permission from the County:

- A. The County's computer network may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, self-replicating programs, trojan horse programs, etc.), political material, religious material, pornographic text or images, or any other unauthorized materials.
- B. Employees may not use the County's Internet connection to download games or other entertainment software (including screen savers and wall paper files/programs), or to play games on the computer or over the Internet.
- C. You may not use the computer network to display, store or send (by e-mail or any other any other form of electronic communication such as fax, bulletin boards, chat rooms, Usenet groups, instant messaging, etc.) material that is fraudulent, harassing, embarrassing, political, religious, sexually explicit, profane, obscene, intimidating, defamatory or otherwise inappropriate or unlawful. Furthermore, anyone who believes they are the intentional recipient of such materials should notify the elected official/department head immediately, do not delete or otherwise remove such materials unless directed by the elected official/department head.

If you believe the receipt of such materials was inadvertent and you wish no further action taken, you may remove such material without contacting the managing partner.
- D. You may not download or install any software (program, update, plug-in, etc) without prior permission from the elected official/department head. Any such files or software may be used only in ways that are consistent with their licenses or copyrights.
- E. Confidential computer password(s) will not be shared with, or used by, any other person(s) *unless* the employee has given expressed authorization. The employee is responsible for any

misuse of information by any person to whom he/she has provided his/her password(s) unless that person is identified IOT repair technician, or LAN administrator, or if the release was authorized by a supervisor.

At no time shall any employee share or use another person's confidential computer password(s) unless he/she has received that person's expressed authorization and is being done for legitimate purposes.

- F. At no time shall any employee leave his/her workstation without first ensuring that he/she has properly secured the workstation from unauthorized access.
- G. All requests for non-employee access to the County network should be submitted to the County Commissioners.
- H. Do not use the County's Computer or Internet for correspondence to operate a "Personal Business".
- I. Do not forge or attempt to forge email messages or faxes.
- J. Do not send messages using another person's email or fax account.
- K. Do not copy a message or attachment belonging to another User without permission of the originator.
- L. Do not disguise or attempt to disguise your identity when sending an e-mail or fax.
- M. The elected official/department head must approve all screen savers and wallpaper used on County Computers.
- N. At no time shall an employee access pornographic, sexually explicit, or obscene websites or information *unless* such access is legitimate and approved for investigative purposes.
- O. Employees shall not access gambling sites for the purpose of participating in the gambling activities *unless* prior approval has been obtained for that participation and it is for investigative purposes only.

**5.6.2(B) Personal Uses**

Occasional, limited, appropriate personal use of the computer is permitted if such use does not:

- A. Interfere with the User's or any other employee's job performance.
- B. Have an undue effect on the computer or County network's performance.
- C. Violate any other policies, provisions, guidelines, or standards of this agreement or any other of the County.

Further, at all times Users are responsible for the professional, ethical, and lawful use of the computer system. Personal use of the computer is a privilege that may be revoked at any time.

**5.6.2(C) Illegal Copying**

Users may not illegally copy material protected under copyright law or make that material available to others for copying.

You are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material without first obtaining the express written permission of the County.

**5.6.2(D) Communication of Confidential Information**

Unless expressly authorized to do so, User is prohibited from sending, transmitting, or otherwise distributing proprietary information, data, trade secrets or other confidential information belonging to the County. Confidential information is not to be transmitted over the Internet without proper encryption/safeguards. Accidental disclosure of confidential client or County data must be reported immediately to the User's supervisor. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.

**5.6.2(E) Accessing the Internet**

To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to the County's network must do so through an approved Internet firewall or other security

device. Bypassing the County's computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to the County's network.

**5.6.2(F) Frivolous Use**

Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the User must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, instant messaging, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

**5.6.2(G) Virus Detection**

Files obtained from sources outside the County, including disks brought from home, files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail, and files provided by citizens or vendors, may contain dangerous computer viruses that may damage the County's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-County sources, without first scanning the material with County-approved virus checking software. If you suspect that a virus has been introduced into the County's network, notify the IT department immediately.

**5.6.2(H) No Expectation of Privacy**

Employees are given computers, voicemail, and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the County's computer equipment including voicemail devices. The computer network is the property of the County and may be used only for County purposes.

**5.6.2(I) Waiver of Privacy Rights**

User expressly waives any right of privacy in anything they create, store, send or receive using the County's computer equipment,

voicemail device or Internet access. User consents to allow County personnel access to and review of all materials created, stored, sent, or received by the User through any County network, voicemail device, or Internet connection.

**5.6.2(J) Monitoring of Computer and Internet Usage**

The County has the right to monitor and log any and all aspects of its Computer system including, but not limited to, monitoring Internet sites visited by Users, monitoring chat and newsgroups, monitoring files downloads, and all communications sent and received by Users including voicemail.

**5.6.2(K) Blocking Sites with Inappropriate Content**

The County has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

Any employee who witnesses a violation of this policy whether on the County's computer network, or internet, or on an employee owned computer or information technologies resources which are brought and/or used on county property shall immediately report such violation to their elected official/department head.

The viewing, downloading, managing, producing, sponsoring, presenting, exhibiting, and/or creating of any type of pornography is a violation of County policy. Such violation shall result in disciplinary action, up to and including immediate termination.

**5.6.3 Reporting Child Pornography**

An employee who witnesses child pornography being distributed or residing on County property, computers, networks, or information technologies resources must immediately report such incident to the County Commissioners. This also applies to employee-owned computers or information technologies resources which are brought and/or used on County property. The employee shall immediately inform their elected official/department head who will take appropriate action and immediately report such issue to the County Commissioners.

Child pornography shall be defined as any visual depiction or description of a child, less than eighteen (18) years of age, engaged in sexually explicit conduct, including nudity of any such child. Child pornography, whether made or produced by electronic, mechanical, or other means, may be expressed through a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any other pictorial representation.

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of County policy and of Indiana Code 35-42-4-4. Such violation shall result in disciplinary action, including immediate termination.

An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to the County Commissioners.

## **5.7 SOCIAL MEDIA POLICY**

Social media can take many different forms, including internet forums, blogs and micro-blogs, online profiles, wikis, podcasts, pictures and video, instant messaging, music-sharing, and voice over IP to name just a few. Examples of social media applications are LinkedIn, Twitter, Facebook, MySpace, YouTube, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, Zoominfo---the list is endless.

### **5.7.1 Guidelines**

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Franklin County, or Franklin County's legitimate business interest may result in disciplinary action up to and including termination.

Discussion debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Given the growing popularity of online media, Franklin County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of Franklin County.

### **5.7.2 Know and Follow County Policies and Work Rules**

Carefully read these policies in this personnel policies handbook, the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Computers and E-Mail Policy, Internet Policy, Use of Cellular/Mobile Phone and Pagers Policy, Sexual Harassment

Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and Confidentiality Policy.

Ensure that your postings are consistent with these policies, inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### **5.7.3 Be Respectful**

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Franklin County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or the public rather than posting complaints to a social media outlet.

However, if you do post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

### **5.7.4 Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Franklin County, fellow co-workers, County vendors, or the public.

### **5.7.5 Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- b. Do not use the County of Franklin logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.

- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks, and do not identify yourself as a County employee.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of your employer."
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Department events, County employees, or citizens visiting County offices or departments.
- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

#### **5.7.6 Respect Time and Property**

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during meal breaks in locations that do not pose a disruption to others. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones or pagers during office hours will be subject to appropriate disciplinary action up to and including termination.

#### **5.7.7 Think Twice Before Posting**

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created and comments can be forwarded or copied. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT.

#### **5.7.8 Know That the Internet is Permanent**

Once information is published online, it is essentially part of a permanent record, even if that information is removed/deleted later, or an attempt is made to make it anonymous. If a complete thought, along with its context, cannot be squeezed into a character restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.



## **5.8 DRUG-FREE WORKPLACE**

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illegal drug or alcohol while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the County.

In accordance with The Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990, the County must maintain a drug-free workplace. Failure to comply with the law could jeopardize government funds the County receives.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages, while on the County's property, while attending business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is strictly prohibited, except for possession of non-open containers of alcohol locked inside employee's personal locked vehicle. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of illegal drugs while on the County's property, while attending business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is strictly prohibited. Violations of this policy may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

While on official County business, an employee must comply with this policy as a condition of employment.

Should an employee be convicted of a drug-related crime that occurred in the workplace, he/she must notify their elected official/department head within twenty-four (24) hours of the conviction and the department head/elected official shall immediately inform the Auditor. The County is required to notify appropriate government agencies within ten (10) days of the conviction.

Appropriate personnel action, including possible discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

Conviction of off-the-job use, sale, trafficking, distribution, purchase, transfer, theft, or possession of alcohol, illegal drugs, or unauthorized legal drugs may result in disciplinary action, as it could adversely affect an employee's job performance and jeopardize the safety of others.

Determinations associated with assisting employees who are at risk of health or performance deterioration will be made on a case-by-case basis.

Employees may use physician prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

Employees may keep prescription drugs and over-the-counter medications on County premises when ordered by a medical physician by prescription; or on an as-needed basis for over-the-counter medications.

Employees shall notify their elected official/department head of such drugs and prescriptions if they could adversely affect job performance or the safety of the employee or other individuals in the workplace.

The County recognizes that employees may wish to voluntarily seek professional assistance in overcoming drug or alcohol problems. Please contact your elected official/department head for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

#### **5.8.1 Drug Testing**

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g. blood, urine, hair) to determine the illicit use of drugs, including but not limited to marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County reserves the right to conduct drug and alcohol testing without notice. The County will attempt to protect the confidentiality of all drug test results. All bodily substance samples will be sent to a pre-selected independent laboratory to ensure confidentiality.

##### **5.8.1(A) Pre-Employment Testing**

Franklin County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County. Applicants will be asked to list any legally prescribed drugs taken at the time of the test and will be asked to provide physician authorization for those drugs.

##### **5.8.1(B) Reasonable Suspicion**

An employee may be requested to submit to a drug or alcohol test when the elected official, department head, or supervisor has reasonable suspicion that the employee has used alcohol or drugs or is

impaired from the use of alcohol or drugs during his/her employment with the County. In the event that an employee is requested to submit to a drug test, the elected official, department head, or supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

- A. Observation of drug or alcohol use;
- B. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
- C. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs or alcohol;
- D. A pattern of abnormal or erratic behavior by the employee; or
- E. Information provided by reliable or credible sources of the above.

In the case of a positive test or if the employee refuses to submit to testing, the County reserves the right to exercise any disciplinary action deemed appropriate up to and including termination based on the severity of the situation and the totality of the circumstances surrounding the incident.

**5.8.1(C) Post-Accident**

This policy shall apply to all employees, including those employees that drive a personal or County-owned vehicle in the performance of their County position. Testing of this kind occurs when an employee is involved in an accident resulting in:

1. The death or injury of a County employee, oneself, or member of the general public;
2. Damage to public or private property and/or equipment if at least one of the vehicles is disabled to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned by or leased by the County if the driver receives a citation for a moving violation; or

3. Damage to public or private property and/or equipment or injury to oneself or others resulting from a workplace accident that does not involve a vehicle.

The County reserves the right to order post-accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident testing for circumstances other than listed above will be ordered on a case-by-case basis at the discretion of the elected official/department head and/or the County Commissioners or their designee. Post-accident tests may include screens for both drugs and alcohol.

Questions about this policy or its administration should be directed to the County Commissioners.

#### **5.8.2 Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy**

Franklin County has instituted this policy to provide a healthy and safe work environment for its employees and to ensure the safety of the general public. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as safety sensitive.

It is also the policy of Franklin County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and the Federal Highway Administration (FHWA).

In complying with these regulations, Franklin County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as "safety sensitive" according to federal regulations.

In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL).

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

Information concerning the specific provisions of this policy is provided to CDL Drivers. Training concerning this policy will be provided to all employees and supervisors of

employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

## **5.9 SMOKING**

In keeping with Franklin County's intent to provide a safe and healthful work environment, the use of any tobacco products in County buildings and within eight (8) feet from facility doors is prohibited. This policy applies equally to all Elected Officials/Department Heads, employees, and visitors. No smoking signs are posted in County facilities except where designated.

## **5.10 USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using County property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees shall notify their immediate supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate County vehicles or operate personal vehicles for County business are required to notify their elected official/department head in the event that their driver's license is suspended or revoked.

An employee's failure to notify his or her elected official/department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination.

Employees who operate a County vehicle or operate a personal vehicle for County business, such as driving to a conference in Indianapolis, are required to keep a copy of their valid driver's license, and proof of insurance and insurance liability for personal vehicle, on file with the Auditor.

Each occupant of a County or personal vehicle operated for the purpose of County business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely.

This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

Except for official County business, or as provided in special policies or procedures that supersede this policy, County owned vehicles shall not be driven out of Franklin County unless authorized by the County Commissioners.

Employees having take home use of County vehicles shall be limited to such employees who are either designated as "on call" or hold public safety positions.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including termination.

#### **5.11 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided vehicles be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office. Police vehicles are considered non-personal use vehicles. Police officers are required to use the vehicle for commuting and personal use is incidental to use for law-enforcement purposes. Personal use of County vehicles, other than commuting, for travel outside of Franklin County is prohibited (e.g. vacation use).

#### **5.12 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES**

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of County facilities, vehicles and equipment is prohibited, unless expressly authorized by the County Commissioners. This policy applies to all employees.

It restricts the personal use of organization facilities, including bulletin boards, vehicles and equipment, computers, and fax machines.

#### **5.13 APPEARANCE OF WORK AREAS**

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees.

#### **5.14 BUSINESS TRAVEL**

Franklin County elected officials/department heads are responsible for authorizing employee business travel and reimbursement of travel expenses, including overnight lodging, meal costs, and transportation. All such reimbursements are subject to approval

and appropriate documentation being submitted to the County Auditor. In all cases, the expense for which an employee seeks reimbursement must have been budgeted in departmental budgets or else specifically approved by the County Council. All mileage reimbursements must be supported by MapQuest or another approved mileage calculator. **Employees must provide itemized receipts to receive reimbursement.**

Overnight accommodations are not allowed for meetings within fifty (50) miles of Franklin County, Indiana, unless authorized by the County Commissioners, excluding statutorily mandated expenses.

Franklin County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

Meal allowance and mileage rates are subject to change as approved and adopted by the County Council.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act (FLSA).

#### **5.14.1 State Called Meetings**

The County will reimburse County employees for a state called meeting specified by statute or the State Board of Accounts. Reimbursement for state called meetings will be for:

1. Reasonable hotel/motel accommodations;
2. County rate for mileage for using privately owned vehicle in lieu of public transportation; and
3. The County Council shall establish meal allowance rates for individuals attending a meeting.

#### **5.14.2 Other Meetings/Job-Related Training**

An employee on authorized official County business requiring overnight accommodations will be reimbursed for:

1. Reasonable hotel/motel accommodations;
2. Bus, taxi, and airport transportation;
3. Air, rail, or bus tickets as lowest possible fare;

4. County rate for mileage for using privately owned vehicle in lieu of public transportation; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

An employee on authorized official County business attending a meeting not requiring overnight accommodations will be reimbursed for:

1. Bus, taxi, and airport transportation;
2. Air, rail, or bus tickets at lowest possible fare;
3. County rate for mileage for using privately owned vehicle in lieu of public transportation;
4. Necessary parking and storage fees; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

#### **5.15 POLITICAL ACTIVITY**

County employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during his/her working hours. This policy includes any threats or coercion by elected officials/departments heads or political party officials.

County owned equipment shall not be used to generate, copy, or reproduce campaign materials. County vehicles shall not be used to distribute campaign materials. County telephones or facsimile machines shall not be used for campaign purposes.

#### **5.16 INDIANA INTERNAL CONTROL STANDARDS POLICY**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBOA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

IC 5-11-1-27(g) requires that the Franklin County Board of County Commissioners must adopt the minimum internal control standards as defined by SBOA. Additionally, the Commissioners must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

The Franklin County Commissioners have adopted the internal control standards as defined by SBOA under IC 5-11-1-27(e). Personnel training of employees shall be



evidenced through a certification process. The Personnel Administration Committee will be responsible for developing and overseeing the administration of the internal control standards policy, training, and certifications.

At the time of submission of the annual report, the County Auditor must certify that the minimum internal control standards have been adopted and that personnel who are not otherwise on leave status have received training regarding these standards and procedures.

Apart from the required certification to be filed by the County Auditor, elected officials, appointees, and employees must sign the Internal Control Training Certification form for Elected Officials, Appointees, and Employees as evidence for their training. These certifications are to be maintained by Franklin County on-site.<sup>16</sup>

---

<sup>16</sup> Amended February 2016

## **6. PERSONAL CONDUCT**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **6.1 EMPLOYEE CONDUCT AND WORK RULES**

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, and efficiency in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflict with County rules and regulations.

### **6.2 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify their elected official/department head at least one (1) hour in advance of the anticipated tardiness or absence, or as soon as possible in the event of an emergency (such as being transported to a hospital for treatment). When providing notification, the employee is to give the reason and the estimated length of absence. Failure to notify the elected official/department head shall subject to disciplinary actions up to and including termination.

Excessive lateness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of lateness in a three (3) month period; or any combination thereof.

An unexcused absence is defined as an absence for which the employee does not have any available accrued benefit time to charge the absence against, or where applicable, the employee does not have the approval of the elected official/department head or designated supervisor.

Employees who are absent for two (2) consecutive workdays without notifying their elected official/department head shall be considered to have voluntarily resigned their position.

### **6.3 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of employees and affect the business image the County presents to citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who have tattoos must keep any exposed tattoos covered at all times, while at work.<sup>17</sup> Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your elected official/department head if you have questions as to what constitutes appropriate attire.

### **6.4 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT**

Everyone who works for Franklin County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The County prohibits any form of sexual harassment and will take corrective action against offenders, including discipline or termination.

This policy applies to all Franklin County employees.

#### **6.4.1 Definition of Sexual Harassment/Hostile Work Environment**

Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside County employment, constitutes sexual harassment and is prohibited, such as:

1. Unwelcome sexual advances.
2. Physical or verbal conduct of a sexual nature or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting; obscene comments or gestures; written, photo, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.

---

<sup>17</sup> Amended March 2015

3. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
5. Conduct with implication that has the purpose of or results in interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

All behavior described above is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

#### **6.4.2 Reporting a Complaint**

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the County must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment is advised to obtain a sexual harassment complaint form from the elected official/department head and submit it to such official **immediately**. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain a sexual harassment complaint form from the County Attorney and submit it to the County Attorney. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of an alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the County Attorney. Failure of a supervisor to immediately take corrective action or to report the incident to the County Attorney shall constitute misconduct subject to disciplinary action.

#### **6.4.3 Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law and the notes may have to be disclosed.

County elected officials/department heads and the County Attorney have copies of the County sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

#### **6.4.4 Time Frame for Reporting Complaints**

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

#### **6.4.5 Protection against Retaliation**

The County will not in any way retaliate against individuals who report sexual harassment or against anyone who participates in a resulting investigation, nor permit any supervisor or employee to do so. Retaliation is a serious violation of this policy and should be reported **immediately**.

Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

#### **6.4.6 Investigating the Complaint**

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the

investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, the County will communicate its decision over the outcome of the investigation to the complainant and the alleged harasser. If the Commissioners and the County Attorney determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed if disciplinary action is taken.

In determining whether alleged conduct constitutes sexual harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred.

The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

#### **6.4.7 Identification of Investigators**

Complaints will be investigated by the County Attorney and/or investigators selected by the County Commissioners. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Commissioners.

#### **6.4.8 False Accusations**

Franklin County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can devastate the lives and reputations of innocent women and men. Therefore, the County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

#### **6.4.9 Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment.

Additional action may include: referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

Although the County's ability to discipline a non-County employee harasser is limited, any County employee who has been subjected to sexual harassment by a non-County employee at the workplace or work-related setting should file a complaint so that action may be taken.

#### **6.4.10 Maintaining a Written Record of the Complaint**

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by the County Attorney. If disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.4.11 Prevention**

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain cognizant of sexual harassment to avoid contributing to conditions that would encourage such activity.

Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

### **6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT**

Franklin County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official/department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination.

Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty or on-duty hours must be reported to the elected official/ department head in writing within five (5) calendar days of receiving the citation or the arrest, if employee drives a vehicle for the County.

Unauthorized time away from work shall be subject to the County's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

It is the responsibility of any employee with pending criminal charges to provide their elected official/department head written documentation such as a court record of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension and if suspended without pay shall be reimbursed.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Franklin County government.

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* off/to a felony will be subject to immediate dismissal.

## **6.6 GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County may have business dealings. However, the practice of accepting gifts or gratuities is not only unnecessary and undesirable, but also contrary to the public interest.

Employees should not accept gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the County in furnishing materials, goods, and services.



## **6.7 GHOST EMPLOYMENT**

Franklin County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44.1-1-3.

## **6.8 BUSINESS ETHICS/CONFLICT OF INTEREST**

The County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, Franklin County.

Indiana Code 35-44.1-1-4 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by law.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times, the County must take whatever action is necessary to resolve the situation, including but not limited to, termination of employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk, with a copy provided to the State Board of Accounts. If deemed by said official to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

## **6.9 SOLICITATION/DISTRIBUTION**

This policy is designed to protect the interests of the citizens of Franklin County by ensuring that only official County business is transacted in work areas during employees' work time.

There shall be no solicitation or distribution by employees or non-employees any time on County property. This section does not apply to vendors and/or charity organizations who have received the approval of the Board of County Commissioners.

Employees violating this policy shall be subject to disciplinary action, up to and including discharge.

## **6.10 SECURITY OF PREMISES**

Franklin County wishes to maintain a work environment that is free of illegal drugs, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises.

However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Franklin County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Franklin County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

## **6.11 WORKPLACE VIOLENCE**

The safety and security of Franklin County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which

disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threat, physical attack, or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises.

Additionally, possession of illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.10 Security of Premises of this Personnel Policy Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include termination of employment, and may also result in arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their elected official/department head with a copy of such order.

If an emergency exists, contact the police department at 911 and notify your supervisor. If not an emergency, employees should inform their elected official/department head. If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the County Commissioners.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

#### **6.12 CONFIDENTIALITY**

Employees are advised to consult with their elected official/department head before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

#### **6.13 EMPLOYEE CONDUCT**

**Behavior of Employees.** In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct.

This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination.

**This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

### **GROUP I OFFENSES**

Examples of, but not limited to, the following:

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Neglect or carelessness in recording work time.
4. Failure to cooperate with other employees as required by job duties.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, fax, or mail for personal use.
8. Unsatisfactory work or failure to maintain required standard of performance.
9. Unauthorized breaks.
10. Littering or otherwise contributing to unsanitary conditions.
11. Failure to report accidents, injury, or equipment damage.

### **GROUP I DISCIPLINE**

First Offense	Documented written warning
Second Offense	Three (3) working days suspension without pay
Third Offense	Ten (10) working days suspension without pay or reduction in pay
Fourth Offense	Termination of employment

### **GROUP II OFFENSES**

Examples of, but not limited to, the following:

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obliging Franklin County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to the attendance policy.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Failure to make required reports.
11. Solicitation on County premises without authorization.

12. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making abusive or threatening remarks to supervisors, employees, or the public.
13. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
14. Giving false testimony during a complaint investigation or hearing.
15. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
16. Distributing or posting written or printed matter of any description on County premises unless authorized.
17. Unauthorized presence on County property.
18. Disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

### **GROUP II DISCIPLINE**

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay
Third Offense	Termination of Employment

### **GROUP III OFFENSES**

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees' timecards, timesheets, or unauthorized altering of own timecard or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time or property.
7. Violation of the sexual harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of firearms on County property at any time without proper authorization.

12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, making false statements to secure an excused absence or to justify an absence or tardiness, or making or causing inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors, creating a hostile work environment for supervisors, employees, and/or the public.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment a past conviction, misdemeanor, and/or felony if reasonably related to the employee's duties or the public trust.
19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to maintain certifications required of the position, such as driver's license.
21. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
22. Failure to follow safety regulations.
23. Violation of attendance policies.

### **GROUP III DISCIPLINE**

First Offense	Any appropriate discipline, up to and including termination of employment.
---------------	--

## **7. PROBLEM RESOLUTION**

**The policies contained in this chapter and throughout the Franklin County Personnel Policies Handbook apply to all Franklin County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Franklin County's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by elected officials/department heads having the authority to take disciplinary actions.**

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has the following steps available:

### **STEP 1: Elected Official/Department Head (Oral complaint)**

An employee with a complaint should first schedule a time to discuss the complaint with the elected official/department head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

### **STEP 2: Elected Official/Department Head (Written complaint)**

If the complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion, or if the decision is not satisfactory, the employee may submit the complaint in writing. The employee may take or send the written complaint to the elected official/department head. Elected officials/department heads are encouraged to give a written response to the complaint within five (5) days.



## **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and state laws and County of Franklin, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Franklin, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## **INDEMNIFICATION**

In the event that a department head, elected official, or any other County employee becomes a defendant, either in his/her representative capacity or individually in any litigation arising out of the administration of this policy, the County and/or its insurers shall defend the employee of that action and pay any judgment entered in the action provided by the County, so long as the elected official, department head or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

## **ENABLING ORDINANCES**

This employee handbook shall be approved by the Board of Commissioners of Franklin County.

## **AMENDMENTS**

This handbook may be amended from time to time in substantially the same form approved by the Board of Commissioners of Franklin County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.

## **EMPLOYEE ACKNOWLEDGMENT FORM**

The Franklin County Personnel Policies Handbook adopted by the County Commissioners on September 30, 2013, describes important information about employment with Franklin County. I understand that I should consult the Commissioner's Office regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Commissioners has the ability to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EMPLOYEE'S NAME (TYPED OR PRINTED)**

## **INDEX**

### **-A-**

2.11	ACCESS TO PERSONNEL FILES .....	10
	<b>AMENDMENTS .....</b>	<b>92</b>
4.7	AMERICANS WITH DISABILITIES ACT (ADA).....	47
5.13	APPEARANCE OF WORK AREAS .....	73
2.3	APPLICANT TESTING .....	6
6.2	ATTENDANCE AND PUNCTUALITY .....	77
1.8	AUTHORIZED ALIEN STATUS AND CITIZENSHIP .....	4

### **-B-**

4.18	BENEFITS CONTINUATION (COBRA) .....	55
4.9	BEREAVEMENT LEAVE.....	50
5.2	BLOODBORNE PATHOGENS .....	56
6.8	BUSINESS ETHICS/CONFLICT OF INTEREST .....	84
5.14	BUSINESS TRAVEL .....	73

### **-C-**

3.6	CALL BACK PAY .....	17
6.5	COMMISSION OF A FELONY OR UNLAWFUL ACT .....	82
3.4	COMPENSATION .....	16
2.5	CONDITIONAL OFFER OF EMPLOYMENT.....	6
6.12	CONFIDENTIALITY .....	87
2.19	CONTRACTING WITH THE COUNTY .....	14

### **-D-**

5.8	DRUG-FREE WORKPLACE .....	68
-----	---------------------------	----

### **-E-**

1.9	E-VERIFY .....	4
4.11	EDUCATION LEAVE .....	51
2.18	ELECTIVE OFFICER & COUNTY EMPLOYMENT RESTRICTED .....	13
1.10	ELIGIBILITY FOR LOCAL PUBLIC BENEFITS .....	4
3.19	EMERGENCY CLOSING .....	23
	<b>EMPLOYEE BENEFITS.....</b>	<b>24</b>
6.1	EMPLOYEE CONDUCT AND WORK RULES .....	77

6.13	EMPLOYEE CONDUCT .....	87
2.2	EMPLOYMENT APPLICATIONS .....	5
2.7	EMPLOYMENT CATEGORIES .....	7
	<b>EMPLOYMENT POLICIES .....</b>	<b>5</b>
2.9	EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS .....	9
3.20	EMPLOYMENT TERMINATION .....	24
	<b>ENABLING ORDINANCE .....</b>	<b>92</b>
1.5	EQUAL EMPLOYMENT OPPORTUNITY .....	2
1.2	EXCEPTIONS AND SPECIAL CONDITIONS .....	1

**-F-**

4.6	FAMILY AND MEDICAL LEAVE ACT (FMLA) .....	30
1.3	"FRANKLIN COUNTY" DEFINED .....	2

**-G-**

6.7	GHOST EMPLOYMENT .....	84
6.6	GIFTS OR GRATUITIES .....	83
4.14	GROUP TERM LIFE INSURANCE .....	53

**-H-**

4.13	HEALTH INSURANCE .....	53
4.17	HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPPA) .....	54
2.20	HIRING/CONTRACTING ROMANTIC PARTNERS .....	14
4.2	HOLIDAYS .....	27

**-I-**

	<b>INDEMNIFICATION .....</b>	<b>92</b>
5.16	INDIANA INTERNAL CONTROL STANDARDS POLICY .....	75
4.15	INDIANA PUBLIC RETIREMENT SYSTEM (INPRS) .....	54
2.8	INTRODUCTORY PERIOD .....	8

**-J-**

3.7	JOB CLASSIFICATION .....	17
3.8	JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE .....	18

3.3	JOB DESCRIPTIONS .....	16
4.10	JURY DUTY/COURT APPEARANCES .....	50

**-L-**

5.3	LACTATION SUPPORT .....	57
2.16	LAYOFF AND RECALL .....	12
4.18	LEAVE OF ABSENCE WITHOUT PAY .....	54
3.5	LONGEVITY PAY .....	17

**-M-**

1.6	MANAGEMENT RIGHTS .....	2
2.6	MEDICAL EXAMINATIONS.....	7
4.8	MILITARY LEAVE.....	48
3.13	MULTIPLE POSITIONS .....	20

**-N-**

2.17	NEPOTISM.....	13
3.1	NORMAL WORK WEEK .....	16

**-O-**

2.13	ORIENTATION/EXIT INTERVIEWS.....	11
2.14	OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST .....	11
3.18	OVERTIME COMPENSATION AND COMPENSATORY TIME .....	21

**-P-**

3.16	PAY CORRECTIONS.....	21
3.17	PAY DEDUCTIONS/GARNISHMENTS.....	21
3.15	PAYDAYS.....	21
6.3	PERSONAL APPEARANCE.....	78
	<b>PERSONAL CONDUCT.....</b>	<b>75</b>
2.12	PERSONAL INFORMATION CHANGES .....	11
4.5	PERSONAL LEAVE.....	30
5.12	PERSONAL USE OF COUNTY PROPERTY AND FACILITIES .....	73
1.4	PERSONNEL ADMINISTRATION COMMITTEE.....	2
2.10	PERSONNEL FILES.....	9
	<b>PERSONNEL POLICIES HANDBOOK .....</b>	<b>1</b>

5.15	POLITICAL ACTIVITY .....	75
2.4	PRE-EMPLOYMENT INTERVIEWS.....	6
1.7	PRODUCTIVE WORK ENVIRONMENT.....	3
	<b>PROBLEM RESOLUTION.....</b>	<b>89</b>

**-R-**

2.1	RECRUITMENT .....	5
2.15	REQUESTS FOR INFORMATION .....	12
3.21	RETURN OF PROPERTY .....	24
3.12	ROUNDING .....	20

**-S-**

5.1	SAFETY .....	56
	<b>SALARY ADMINISTRATION.....</b>	<b>15</b>
6.10	SECURITY OF PREMISES.....	85
	<b>SEVERABILITY .....</b>	<b>92</b>
6.4	SEXUAL HARASSMENT/HOSTILE ENVIRONMENT.....	78
4.4	SICK LEAVE REIMBURSEMENT .....	29
4.3	SICK LEAVE .....	27
5.9	SMOKING .....	72
5.7	SOCIAL MEDIA POLICY .....	65
4.16	SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE .....	54
6.9	SOLICITATION/DISTRIBUTION.....	85

**-T-**

5.11	TAKE HOME VEHICLES.....	73
3.10	TIMEKEEPING.....	19
3.14	TIMESHEETS .....	20

**-U-**

1.1	USE AND REVISION OF PERSONNEL POLICIES HANDBOOK .....	1
5.5	USE OF CELLULAR/MOBILE PHONES AND PAGERS .....	57
5.10	USE OF EQUIPMENT AND VEHICLES.....	72
5.6	USE OF INFORMATION TECHNOLOGIES .....	59
5.4	USE OF TELEPHONES AND COUNTY MAIL .....	57

**-V-**

4.1	VACATION.....	25
-----	---------------	----

**-W-**

3.9	WAGE POLICY .....	18
3.2	WORK HOURS.....	16
3.11	WORK TIME RESTRICTED .....	20
4.12	WORKERS' COMPENSATION.....	51
	<b>WORKING CONDITIONS .....</b>	<b>55</b>
6.11	WORKPLACE VIOLENCE.....	85